IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH JAIPUR.

O R D E R

Jamna Devi and ors.
Vs.
A.D.J. (Fast Track) No.2 Sikar and ors.

S.B. CIVIL WRIT PETITION NO.2897/2007

Date of Order:- 30/4/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Ajay Gupta for the petitioners.

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Heard learned counsel for the petitioners.

The petitioners are challenging the judgment & order dated 7/2/2007 passed by the court of learned Additional District Judge allowing the appeal of the respondent No.2 whose application for temporary injunction was rejected by the court of learned Civil Judge (Jr.Div.) Srimadhopur, District Sikar.

Learned counsel for the petitioners argued that the court of learned Additional District Judge committed an error of law in finding a prima-facie case in favour of plaintiff-respondent No.2 whereas the trial court disposed of the application of plaintiff-respondent No.2 for temporary injunction by giving detailed reasonings and on evidence that had come on record and did not find a prima-facie case in favour of respondent No.2.

On perusal of the impugned-orders of the learned courts below, I find that the learned first appellate court has noted that the documents such as certificate of adoption dated 18/6/1975, ration card dated 7/1/1980, the report of the Patwari in regard to agriculture land and the application for obtaining patta, have not been considered by the learned trial court in true perspective. However, the learned trial court negativated the argument of the learned counsel for the petitioners holding that on the basis of

these documents the petitioners cannot be allowed to claim the disputed property. But, the analysis which has been made by the learned first appellate court reveals that earlier ration card produced by the petitioner was of 7/1/1980 containing name of the plaintiff as son of petitioner Jamna Devi and Jamna Devi subsequently procured another ration card of 12/4/2000 in which name of the plaintiff was omitted. In these circumstances, the first appellate court came to the conclusion that such document was subsequently prepared. The court also found that respondent No.2-Kashi Ram had been claiming to be the adopted son of Jamna Devi even when the concerned Patwari was conducting an enquiry for the whereabouts of the legal heirs of deceased Chandra Das, husband of Jamna Devi, although, ultimately mutation was recorded in the name of Jamna Devi. On these facts, the learned first appellate court while allowing the appeal has given direction to

the parties to maintain status-quo in regard to the land in dispute.

Having heard learned counsel for the petitioners and perused the orders of the courts below, I find that the order of the first appellate court does not suffer from any apparent error on the face of the record and it does not call for any interference by this Court. It is however impressed upon the learned trial court to expedite completion of trial of the case.

The writ petition being devoid of merit is hereby dismissed.

(MOHAMMAD RAFIQ), J.

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